



International Dairy Foods Association
Milk Industry Foundation
National Cheese Institute
International Ice Cream Association

Division of Dockets Management (HFA-305)
Food and Drug Administration
5630 Fishers Lane, rm. 1061
Rockville, MD20852

July 28, 2010

RE: Docket No. FDA-2010-N-0210: Front-of-Pack and Shelf Tag Nutrition Symbols; Establishment of Docket; Request for Comments and Information

To Whom It May Concern:

The National Cheese Institute (NCI) appreciates the opportunity to provide comments to the Food and Drug Administration on front-of-pack (FOP) nutrition labeling. There is significant interest in these icons from food retailers, food manufacturers, and public health officials. However, depending on the information that is displayed and the method of presenting the information, these symbols may or may not be helpful to consumers and, in some cases, could end up being detrimental. We feel that it is important to carefully consider these symbols, and we appreciate the ability to share information with the Agency.

NCI represents the nation's cheesemaking and marketing industry. NCI's 70 member companies manufacture, process, market and distribute all types of natural and processed cheese and cheese products. NCI's membership represents approximately 80 percent of the cheese manufactured and processed from 170 plants in the United States. NCI is one of the three constituent organizations of the International Dairy Foods Association (IDFA), along with the Milk Industry Foundation and the International Ice Cream Association.

Similar to other food manufacturers, cheesemakers have significant interest in front-of-pack nutrition symbols. We feel that labeling, including front-of-pack nutrition symbols, should encourage the recommendations of the Dietary Guidelines for Americans, such as increasing the intake of nutrient-rich foods like dairy products. Past comments were filed by the International Dairy Foods Association (IDFA) on behalf of NCI in 2007 following FDA's public meeting on the topic, as well as another set of comments in 2009 to the Office of Management and Budget regarding the announcement of consumer research planned regarding front of pack symbols.

As noted in IDFA's previous comments, any system of nutrition symbols for labeling purposes should: (a) be voluntary; and (b) present information on both nutrients to encourage and foods to encourage.¹ Mandatory labeling which placed undue emphasis on nutrients to discourage, such as the traffic light-type symbols used in the United Kingdom, does not provide not a complete

picture of the nutrition provided by an individual food or beverage. In addition to those previous comments, NCI would like to share results of a new consumer survey which show that consumers do not see the need for front-of-pack labeling on cheese packages.

A. Front-of-Pack Nutrition Labeling Is Not Needed on Cheese

In a recent consumer survey examining consumer attitudes toward nutrition labeling on cheese, an overwhelming majority of consumers, 72% of primary grocery shoppers, indicated that current cheese packages display adequate nutrition information.² They did not see a need for additional information in the form of front-of-pack nutrition labeling on packaged cheese.

FDA's request for comment specifically requested information on consumer opinions and attitudes toward nutrition labeling on various foods, specifically dairy products.³ In response to this, one of NCI's members sponsored a consumer survey regarding consumer understanding of the nutrients included in cheese and consumers attitudes toward nutrition information on packaged cheese. The survey was conducted by an independent consumer research company during July 2010. The online survey contacted 1000 consumers representative of the adult American population, 790 of whom were primary grocery shoppers who had purchased cheese in the last six months. Additional information regarding this survey is attached at the end of these comments.

The consumer survey showed that the primary grocery shoppers surveyed understand that milk is the main ingredient in cheese. Ninety-three percent of the survey respondents correctly identified milk or dairy as the main ingredient in cheese. When they make decisions about the type of cheese to purchase, most consumers select a product based on the variety of cheese, such as cheddar or mozzarella (38%), or the cheese's price (22%), rather than on the nutrient profile of the specific cheeses. Only 6% of the respondents ranked nutritional information as the most important consideration when they purchase packaged cheese.

A majority of these consumers were able to identify specific nutrients, both positive and negative, present in cheese: calcium, protein, vitamin D (added to some processed cheeses), sodium and saturated fat. When asked if there was anything that was missing on current cheese labels, the majority of survey respondents said that no additional information was needed on the front of the package. When an open-ended question was asked about any additional information consumers desired on the front of the package, their responses spanned a range of topics, with 18% of mentions in the area of ingredients and nutrients. However, only 2% of the desired information related to sodium, 4% to fat, and 5% to calories.

The survey results indicate that consumers feel there is no need for additional nutrition information on packaged cheese. Seventy-two percent of respondents agreed that the current cheese packaging provides adequate nutritional information. They do not feel that anything is missing from current labels and they understand the ingredients and nutrients in cheese. Because of these attitudes, the benefits of front of package nutrition labeling on cheese are questionable. We feel that FDA should not recommend front-of-pack symbols on packaged cheese.

Cheese is often used as an ingredient in foods that people make at home, so they select cheese for its flavor, for its melting capacity, or for other reasons, rather than the specific nutrients. In addition, when cheese is used as a component of a finished food, it provides only some of the nutrients provided by that finished product. Other nutrients, whether they are nutrients to encourage or nutrients to avoid, also come from other components of the food.

B. Any Nutrition Symbols Should Be Voluntary

As explained in IDFA's 2007 comments, we believe that any system of nutrition symbols for labeling should be voluntary and that companies should be able to choose to use these labeling symbols as appropriate for their products, their labels, and their customers. A mandatory system assumes that consumer confusion exists for all products and could unfairly separate foods into "good foods" and "bad foods."

A mandatory label change would be costly for food companies without any additional benefit to consumers if new, changed labels simply repeat information that is already presented on the label in the Nutrition Facts Panel. Based on information collected from members of the International Ice Cream Association at the time of the required change for trans fat labeling, for instance, label changes have a particularly significant financial impact on companies with many different SKUs, including costs for redesigning labels, reprinting labels, and disposing of obsolete packaging.

The costs associated with disposal of obsolete packaging alone could be in the hundreds of thousands of dollars per company and would have a greater impact on smaller companies because they are more likely to have a larger inventory of packaging.

Further, when developing its labeling program, the United Kingdom's (UK) Food Safety Agency (FSA) allowed front-of-pack symbols on all products on a voluntary basis, but specifically recommended the symbols for several specific classes of food products: sandwiches, prepared meals, burgers, sausages, pies, quiches, breaded meats, pizza and breakfast cereal. The FSA indicated that it did this because these were complex foods with multiple ingredients that consumers did not easily recognize or understand.⁴ As discussed above, because consumers understand the ingredients and nutrients in cheese, use of front-of-pack symbols should be voluntary.

Using a voluntary system to speed up the use of icons could be hampered by an overly strict system that discourages food manufacturers from using the front-of-pack symbols. If the system is not flexible or stigmatizes foods, companies may choose not to use them.

An additional benefit to a voluntary labeling system would be that it could be available to consumers more quickly. The White House Task Force on Childhood Obesity encouraged front-of-pack symbols to help consumers understand the products that are available to them in grocery stores.⁵ Setting mandatory standards for front-of-pack nutrition symbols would, at the very least require formal rulemaking, with public comments. This process would take a significant amount of time, which would delay the use of symbols. In contrast, a voluntary program could be implemented much more quickly.

The front-of-pack symbol system can also incentivize product reformulation to make food and beverages healthier. If the voluntary system is not attractive for use on products, then there will be no benefit for food manufacturers to reduce the fat, sodium or calories in their products.

C. Color-Coded Symbols that Focus on Negative Nutrients, Such as Traffic Lights, Would Not be Useful

Healthy eating includes not just avoidance of nutrients, but overall good nutrition. Healthy diets and healthy foods take into account both nutrients that people should consume more of and also those that people should consume less of. If a nutrition symbol labeling system were to place undue emphasis on nutrients to avoid, the symbols could make the ideal food appear to be a diet drink, with zero calories, zero fat, low sodium, and no added sugar. However, there are also no nutritional benefits to this product, other than water for hydration purposes.

Nutrition symbols should incorporate positive nutrients to be encouraged, not just negative nutrients that should be limited. Foods should be highlighted for the benefits they can provide, not penalized because they also contain some fat or sodium. For example, cheese provides calcium, one of the shortfall nutrients of concern identified by the 2010 Dietary Guidelines Advisory Committee, along with other nutrients, such as protein and Vitamin D in certain processed cheeses.⁶ These are attributes that should be highlighted in any front-of-pack labeling scheme.

Consumers are increasingly choosing foods for the benefits the food and its components can provide. Research from the International Food Information Council found that 40% of consumers have begun consuming more of a specific type of food or beverage to improve the healthfulness of their diets, while 36% have started eating more of a certain food component to improve their diet quality.⁷ Nutrition labeling symbols could help consumers choose foods for their nutritional benefits by highlighting the food components and nutrients that consumers want to include in their healthy diets.

Recent research in Europe on consumer interpretation of traffic light-type nutrition symbols casts doubt on the effectiveness of this method of front-of-pack labeling. The research showed that many consumers misunderstood the red symbol to indicate that they should try not to eat the labeled food. This interpretation was reported by 73% of the survey respondents from the UK, where this type of labeling is widely used. The consumers' understanding is clearly different from the intent of the UK's FSA, which indicates that a red symbol for a nutrient should indicate that the food is OK as an occasional treat.⁸ The consumers surveyed also misunderstood the amber color indicator as well. More than half felt that an amber symbol meant that the food was "fine to have this product occasionally as a treat," rather than the official position that amber indicates a food that is "an OK choice most of the time."⁹ This same study asked consumers living in the UK about the most helpful aspect of the traffic light front-of-pack system. Less than 15% of the consumers indicated that the color-coding or the "high, medium, low" labels were the most helpful element.¹⁰

Based on the concerns regarding the misleading nature of the traffic light labeling system, the European Parliament voted not to require mandatory color-coded nutrition symbols on the front of packages.

D. A Front-of-Pack Nutrition Labeling System Should Be Implemented With Care

Food labels are complex, with a variety of nutrition information presented in multiple locations and formats. In our 2009 comments, we applauded FDA for undertaking a consumer study to explore how consumers understand and use front-of-pack nutrition symbols. It is important to know the effect of labeling on consumers' knowledge and purchase decisions before any labeling changes are recommended or mandated. Understanding how nutrition symbols factor into a consumer's purchase decision is useful both for planning nutrition symbol systems and also for evaluation following any implementation. Front-of-pack labeling and nutrition symbols must be carefully studied before FDA moves forward so that the messages and implications of these labeling symbols are understood.

As implementation moves forward, the program should be evaluated periodically so that the effectiveness of the program can be ascertained. The labeling approach should also be flexible enough that it can be updated to allow for new knowledge in nutrition science.

Any food labeling, including symbols indicating better food choices, cannot be effective alone. The symbols must be accompanied by an educational or communication campaign to explain to consumers what they mean, how they were devised and how consumers should use them. Similar to the educational campaign supporting MyPyramid, this is an area where public/private partnerships and food manufacturers may be helpful in reaching their customers.

Conclusion

In conclusion, any system of nutrition symbols for labeling purposes should be voluntary and present information on both nutrients to encourage and foods to discourage. These symbols should be presented to consumers in a format that is understandable. Traffic light-type labeling is not an appropriate front-of-pack system. Based on the consumer research summarized in our comments, consumers are not interested in front-of-pack labeling on cheese. Finally, we believe that any labeling should be monitored for its effectiveness and should be supported by consumer education.

Sincerely,

A handwritten signature in black ink that reads "Cary Frye". The signature is written in a cursive, flowing style.

Cary Frye
Vice President, Scientific and Regulatory Affairs

¹ IDFA, Comments on Food Labeling: Use of Symbols to Communicate Nutrition Information, Docket No. 2007N-0277, November 9, 2007; IDFA, Comments on OMB 0910-NEW: Experimental Studies of Nutrition Symbols on Food Packages, Docket No. FDA-2009-N-0220, December 31, 2009.

²Consumer Survey on Cheese Labeling. Conducted via TNS' Express Online Omnibus between July 8-12, 2010.

³ Ibid.

⁴Food Standards Agency. "Front-of-pack Traffic light signpost labeling Technical Guidance, Issue 2." November 2007. Accessed at: <http://www.food.gov.uk/multimedia/pdfs/frontofpackguidance2.pdf> on July 21, 2010.

⁵White House Task Force on Childhood Obesity. "Solving the Problem of Childhood Obesity Within a Generation." May 2010. Accessed online on July 22, 2010 at: <http://www.letsmove.gov/obesitytaskforce.php>

⁶ Report of the Dietary Guidelines Advisory Committee on the Dietary Guidelines for Americans, 2010

⁷ International Food Information Council, "Consumer Attitudes Toward Functional Foods/Foods for Health," October 2007.

⁸Pan-European consumer research on in-store observation, understanding & use of nutrition information on food labels combined with assessing nutrition knowledge. EUFIC Forum. February 2009. Accessed July 21, 2010 <http://www.eufic.org/upl/1/en/doc/PanEU%20executive%20summary%20FINAL.pdf>

⁹ Ibid.

¹⁰ Ibid.